

Claims 1-17 are pending in the application. Claims 1-13 stand rejected under 35 U.S.C. §§ 103(a) and 112, first paragraph. Claims 1-17 stand rejected under 35 U.S.C. § 112, second paragraph. In addition, the Title stands objected to. Applicant wishes to defer a reply to the Examiner's objection to the Title until allowable subject matter is indicated. Applicant has presented arguments regarding the rejection of claims under 35. U.S.C. § 103 in the Appeal Brief submitted concurrently herewith.

Amendments to Claims 1 and 14

Applicant seeks to amend claims 1 and 14 to more clearly recite the claimed subject matter of the present invention. Claim 1 is sought to be amended to clarify that the process of claim 1 is a process for separating metal values to be recovered from one or more additional metal values contained in the original metal containing material. The clarifying amendment of claims 1 and 14 is supported throughout Applicant's specification, *e.g.* at page 2, lines 16-28; at page 3, lines 13-28; and in the Examples.

Claim 14 is sought to be amended to overcome the antecedent basis and clarity problems noted by the Examiner. Applicant thanks the Examiner for his helpful comments in this regard.

Claims 1-13 -- 35 U.S.C. § 112, first paragraph

The rejection of claims 1-13 under 35 U.S.C. § 112, first paragraph is respectfully traversed. Applicant respectfully submits that this rejection is rendered moot upon entry of the amendments to claim 1 set forth above. However, Applicant offers the following comments.

Contrary to the Examiner's position, "to render a metal value insoluble" and "being recovered and render the one or more additional metal values insoluble," added in the amendment filed February 26, 1998, do not constitute new matter. Page 3, line 29 through page 4, line 2 of Applicant's specification describe the separation of uranium metal values from tantalum and/or niobium metal values in a metal containing material. As described in this section, the process of the present invention results in the tantalum and/or niobium metal values being solubilized and the uranium metal values being reduced to an insoluble state. The Examples provided in Applicant's specification further illustrate this process.

Claims 1-17 -- 35 U.S.C. § 112, second paragraph

The rejection of claims 1-17 under 35 U.S.C. § 112, second paragraph is respectfully traversed.

As discussed above, Applicant seeks amendment of claims 1 and 14 to more clearly recite the claimed processes of the present invention. As amended, claim 1 describes the separation and recovery of first and second metal values in a metal containing material. Applicant respectfully submits that the amendments sought clarify the issues raised by the Examiner.

For these reasons, the Examiner is respectfully requested to withdraw the rejection of claims 1-17 under 35 U.S.C. § 112.

Conclusion

All of the rejections of the Examiner under 35 U.S.C. § 112 have been met and overcome upon entry of the foregoing amendment and in view of the foregoing remarks. Accordingly, Applicant respectfully requests that the amendment be entered and that the rejection be withdrawn. As noted above, arguments regarding the Examiner's final rejection of claims under 35 U.S.C. § 103 are presented in Applicant's Appeal Brief submitted concurrently herewith. The Examiner is respectfully invited to contact the undersigned at 336.607.7315 to discuss any matter relating to the application.

Respectfully submitted



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